

**NORTH LITTLE ROCK
BOARD OF ADJUSTMENT AGENDA
SEPTEMBER 29, 2016**

Agenda Meeting: -Roll Call

Reminder: -Turn off cell phones

Administrative:

Approval of Minutes: -August 25, 2016

Public Hearing:

1. BOA Case 2016-8. To allow a 8 foot tall brick fence in the side yard at an R-2 property located at 1516 Rockwater Lane.

Public Comment/Adjournment:

North Little Rock Board of Adjustment

Minutes

August 25, 2016

The meeting of the North Little Rock Board of Adjustment was called to order by Vice-Chairman Tom Brown at 1:30 P.M. in the Planning Office (Conference Room B).

Members Present

Mike Abele
Tom Brown
Steve Sparr

Members Absent

Carl Jackson
Andy Hight

Staff Present

Shawn Spencer, Director of Planning
Jimmy Pritchett, City Planner
B.J. Jones, Secretary

Others Present

Paula Jones, City of North Little Rock Legal Department
Gene Riley, #2 Lakewood Dr., NLR, AR

Approval of Minutes

Mr. Sparr formed a motion to approve minutes from last month's meeting of the Board.

Mr. Abele seconded the motion and there was no dissent.

Old Business

None

New Business

1. **BOA Case 2016-7.** To install an accessory structure (outdoor kitchen facility) next to the garage and within 10' of the primary structure and pool located at 2 Lakewood Drive.

Vice-Chairman Brown swore in the applicant and asked him to state his hardship.

Mr. Pritchett showed pictures of the property and the outdoor kitchen which had been started without a permit.

Mr. Riley explained that he had installed the outdoor kitchen just outside the back door for convenient access to utilities located in the garage wall.

Mr. Brown again asked the applicant to state a hardship.

Mr. Riley added that it would have been more difficult and expensive to pull utility access to the other end of the garage and more difficult for his aging parents to gain access to the outdoor kitchen.

Mr. Brown asked the applicant if he had gotten a permit to do the work.

Mr. Riley replied in the negative.

Mr. Brown asked why he had not gotten a permit for the project.

Mr. Riley explained that he was out of town a lot and the contractor he hired did not get a permit. He added that upon his return home, he noticed a permit at a neighbor's home and asked where the permit for this project is located. Upon learning that there was no permit, he came to the Planning office to obtain one and learned that the footprint for the project would require a variance from this Board.

Mr. Brown advised the applicant that a hardship was needed for a variance and thus far no acceptable hardship had been stated. He asked the Planning Director to read the definition of a hardship.

Mr. Spencer obliged, explaining that a hardship was not created by the owner but was unique to the property.

Mr. Riley noted that he had contacted the Fire Marshal for input and they had asked that he shield the garage from the heat of the grill with a stainless steel heat deflector.

Mr. Spencer added that the topography of the lot and the layout of existing trees limited space for the location of the kitchen.

Mr. Sparr formed a motion to grant the applicant's request as long as he honored the requests made by the Fire Marshal.

Mr. Abele seconded the motion and it was passed with a unanimous vote.

Administrative:

Mr. Spencer referred the Board to the staff recommendations in the packet issued them before the meeting. He explained that approving an applicant's request would be approving those staff recommendations unless they are specifically modified or excluded.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Sparr moved for the Board to adjourn at 1:45pm.

Mr. Abele seconded the motion and there was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

TOM BROWN, VICE-CHAIRMAN

SHAWN SPENCER, DIRECTOR

CASE: BOA #2016-0008

REQUEST: to allow an 8' fence to be installed at the side yard

LOCATION OF THE REQUEST: 1516 Rockwater Lane

APPLICANT: Lynda Yuen

OWNER: James and Lynda Yuen

SITE CHARACTERISTICS: Residential Lot

ZONING: R-2

SURROUNDING USES:

NORTH: Vacant Lot

SOUTH: Bike Path

EAST: Residential Single Family

WEST: Residential Single Family

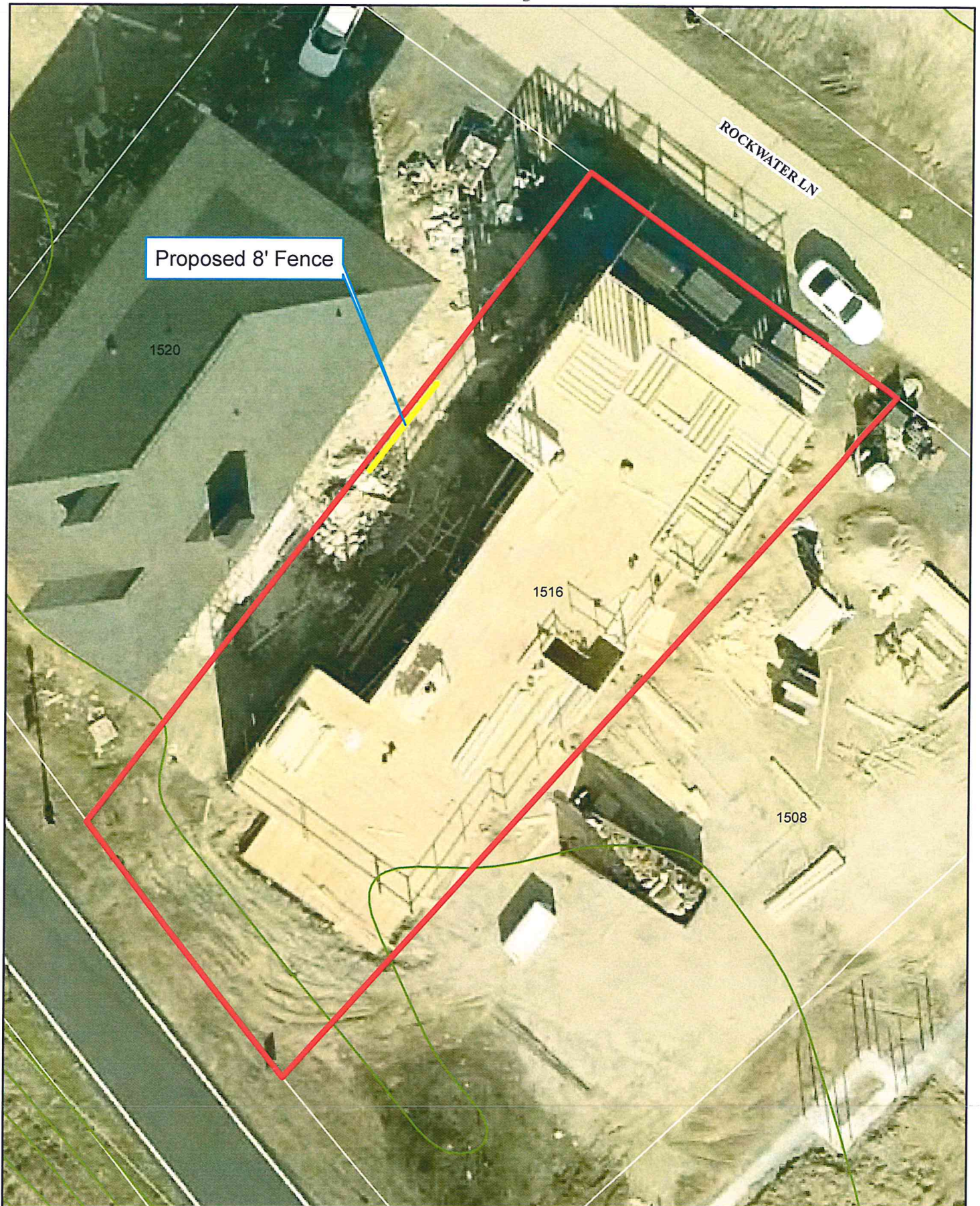
SUMMARY: The applicant has installed an illegal brick privacy fence that has 3 sections; a 4' section, a 6' section and an 8' section in incremental heights. City ordinance does not allow 8' tall fence in the side yard area.

STAFF RECOMMENDATION: Deny. A hardship has not been provided that was caused by an unique feature of the property. The hardships provided were results from the design of the house and not the property. With the houses being built so close to one another, an 8' fence may block the views, sun, breeze from the abutting homes. Also, an 8' fence in the side yard of a neighborhood of large residences on small lots (with small side yard setbacks), may cause an impediment to fighting a fire and create a safety hazard for firefighters. The houses on the northern half of the block have even smaller side yard setbacks, creating a closer fence to house area. Staff foresees that if a variance is given on this property, then many other residences in this neighborhood will be asking for the same variance.

BOARD MEMBER'S CONSIDERATION

1. Does the request authorize a use not allowed in the zone? No
 2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No
 3. Is there something unique about the property that necessitates the variance? No.
 4. Will the request injure the planned or appropriate use of adjoining property? No.
 5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No.
 6. Will the variance be in harmony with the spirit of the ordinance? No,
 7. Will a variance adversely impact health, safety and general welfare? Possibly.
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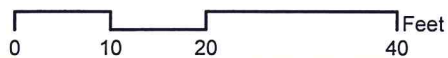
North Little Rock Board of Adjustment



BOA CASE #2016-8

Date: 8/30/2016

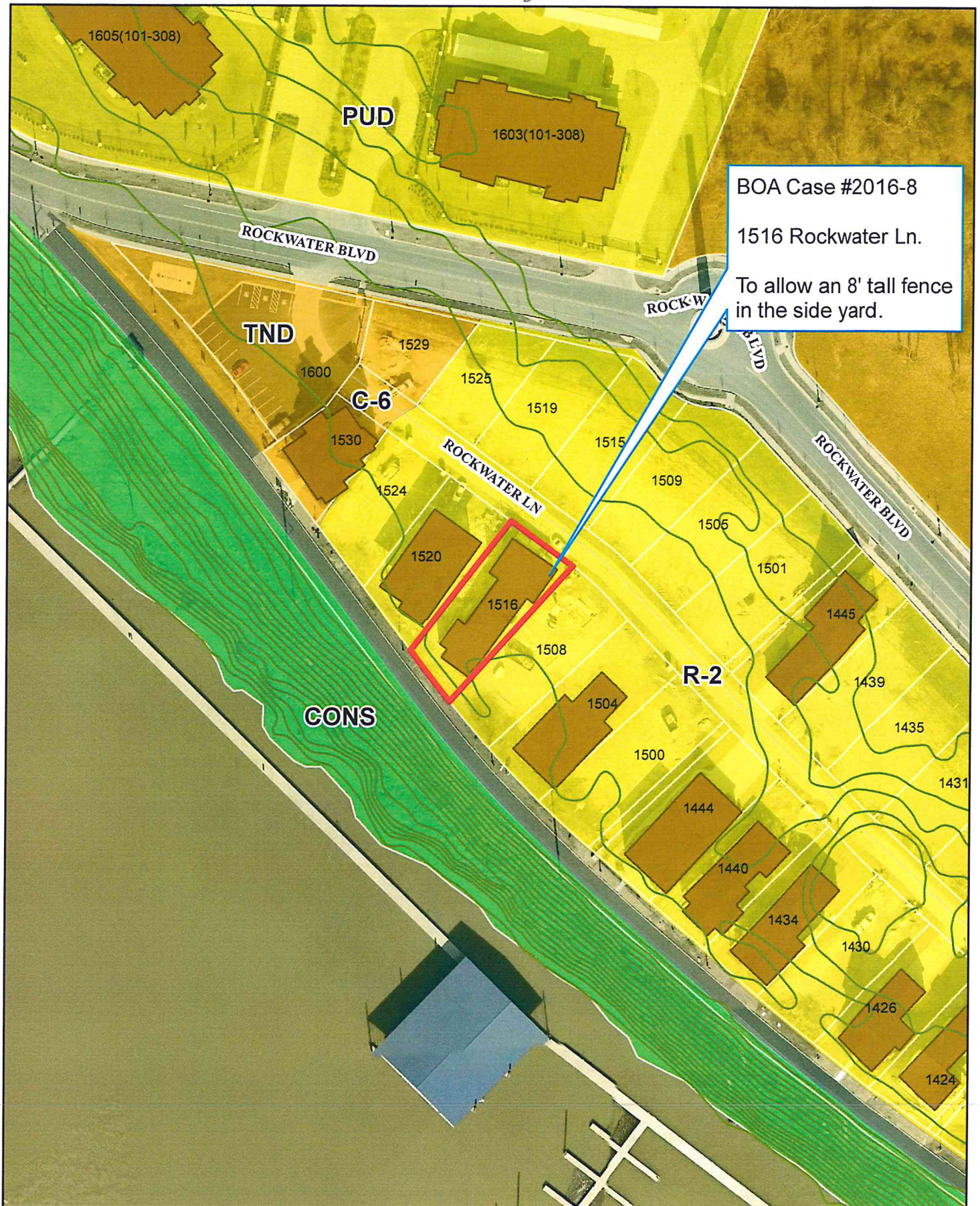
1 inch = 20 feet



User: jhale



North Little Rock Board of Adjustment



BOA CASE #2016-8

Date: 8/30/2016

1 inch = 100 feet

0 50 100 200 Feet



User: jhale



NORTH LITTLE ROCK FIRE MARSHAL'S OFFICE

2400 N Willow NLR, AR 72114

501-812-5940/5941/5942

Fax 501-812-5944

Re: 1516 Rockwater Ln.

September 15, 2016

Shawn Spencer
Planning Department
North Little Rock Arkansas

It is my opinion that an eight foot tall fence that is so close to the structure would hinder firefighting operations. It would be difficult to deploy ladders, and hose streams in such a tight space. I believe the added height of the fence could also affect rescue operations, and adds risk to the already dangerous task of fighting a residential structure fire.

Thanks

David Wilson



Assistant Fire Marshal
North Little Rock Fire Department

August 30, 2016

City of North Little Rock Board of Adjustment
North Little Rock Community Planning
120 Main Street
North Little Rock, Arkansas 72114

RE: Application for Variance for 1516 Rockwater Lane, North Little Rock, AR 72114

Dear Members of the Board of Adjustment:

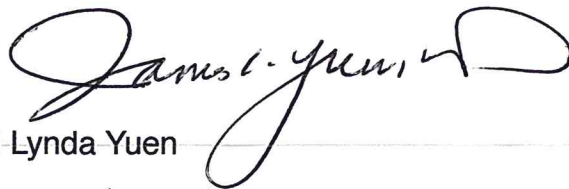
Please accept this letter of hardship in support of my application for a variance for my property located at 1516 Rockwater Lane, North Little Rock, Arkansas 72114 (Lot 20 Rockwater Village PH2). I am seeking a variance for the purpose of maintaining an 8-foot wall on the back of my courtyard. This wall was built without a permit due to an oversight. The height and length of the wall were determined with my builder, to include an 8-foot tall section. I worked with the builder's recommended trade for landscape and hardscape installation, and I worked with the builder's mason to complete the wall construction. No one mentioned to me that I needed a permit, not my landscaper, builder, his foreman, my mason, nor the developer. I am applying for the permit afterwards but would need a variance approved first.

My kitchen and the courtyard patio areas are on the first level of home, but they are elevated about two feet. A six-foot wall, therefore, would not provide enough privacy from cars and people passing in the lane behind the house. The kitchen also has a direct line of sight from the adjacent apartments and Rockwater Blvd. The kitchen is the main focus of the house with a great view of the river from the courtyard side of the house. My intent of a riverfront home was to leave the window treatments open majority of the time to enjoy the river view. The extra privacy provided by the 8-foot tall wall towards the back of the yard preserves this functionality of a riverfront home.

In addition, the courtyard patio will be a main outdoor living area. Like the kitchen, the patio is on the same elevation. The patio is also fitted with an outlet for a Jacuzzi. The 8-foot privacy wall is needed to maintain this outdoor activity. A 6-foot section, instead of 8-foot, extending all the way to the back of the yard, would not provide enough privacy from passersby on Rockwater Lane, Rockwater Blvd, and Rockwater Apartments.

My next door neighbor agrees with the wall the way it is; he has no objection to how the wall was designed, its height or otherwise.

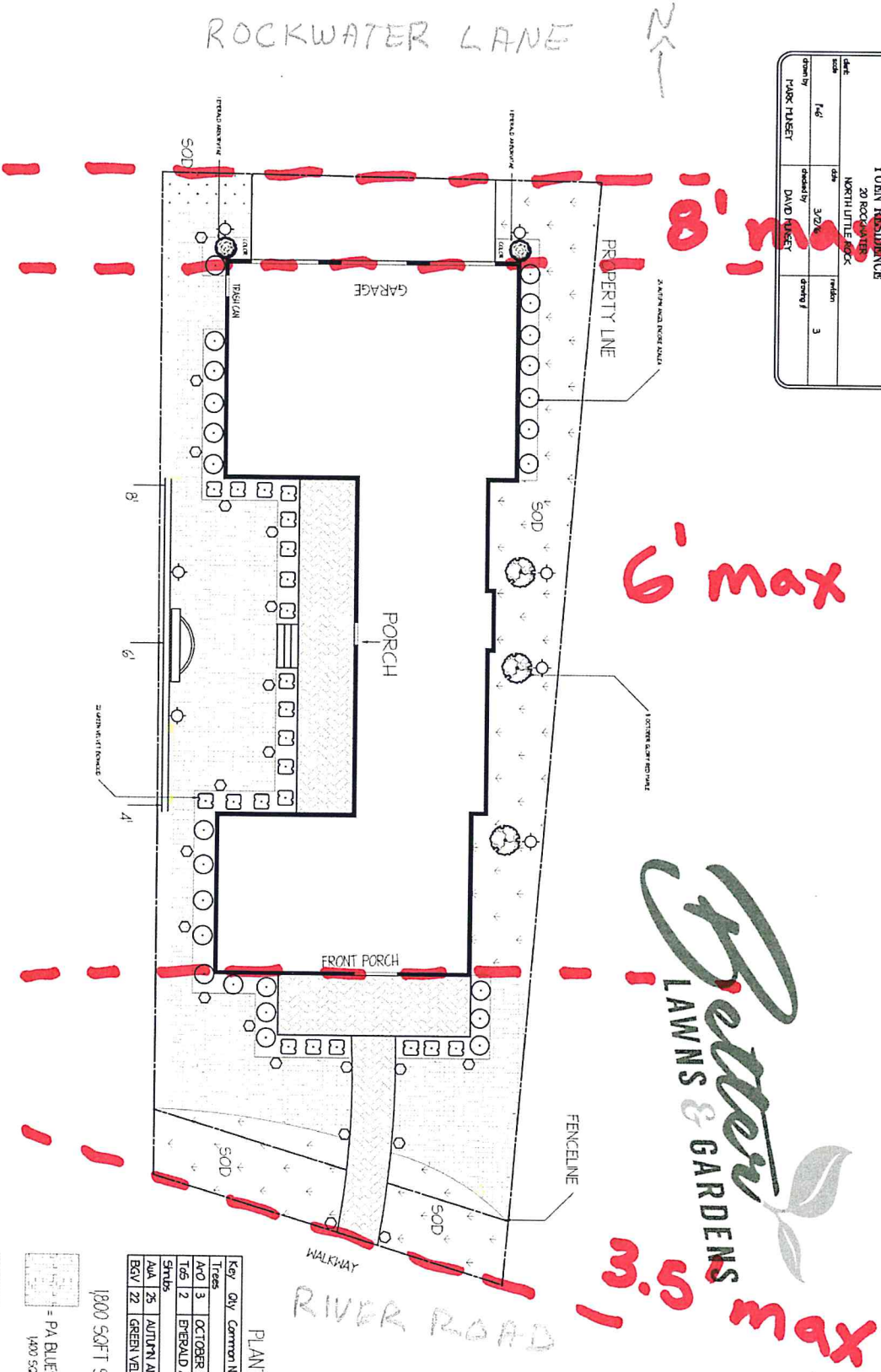
Respectfully,



Dr. James and Lynda Yuen



YUEN RESIDENCE			
20 ROCKWATER			
NORTH LITTLE ROCK			
date	date	revision	
scale	3/20/16	3	
drawn by	DAVID YUEN	drawn f	
drawn by	DAVID YUEN	drawn f	



Better
LAWNS & GARDENS

PLANT LIST

Key	Qty	Common Name
Trees		
AOJ 3		OCTOBER GLORY RED MAPLE
T66 2		EVERAID ARBORVITAE
Shrubs		
AAA 25		AUTUMN ANGEL ENCORE AZALEA
BCV 22		GREEN VELVET BOXWOOD

1200 SQFT SOD








PA BLUESTONE
1400 SQFT



BRICK PAVERS
765 SQFT

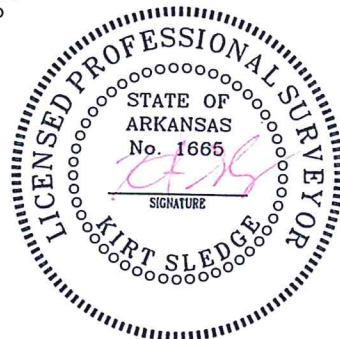
LEGEND

-  SET 1/2" X 24" REBAR (UNLESS OTHERWISE NOTED)
-  PROPERTY LINE
-  RIGHT OF WAY LINE
-  BUILDING SETBACK LINE
-  EASEMENT LINE

DESCRIPTION

LOT 20, ROCKWATER VILLAGE SUBDIVISION PHASE II, AN ADDITION TO THE CITY OF NORTH LITTLE ROCK, AS SHOWN ON PLAT OF RECORD OF TOWN PLAT 2014052671 OF RECORDS OF PULASKI COUNTY, ARKANSAS.

LOT 20
ROCKWATER VILLAGE PH 2
NORTH LITTLE ROCK, AR 72114



DECLARATION:

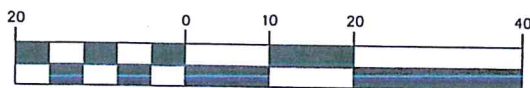
I HEREBY DECLARE THAT THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION, THAT ALL VISIBLE ENCROACHMENTS ARE SHOWN, AND THAT THE CORNERS WERE FOUND OR SET, AS SHOWN, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

[Signature]
KIRT SLEDGE
PROFESSIONAL SURVEYOR
ARKANSAS NUMBER 1665


DATE

FOR THE USE & BENEFIT OF

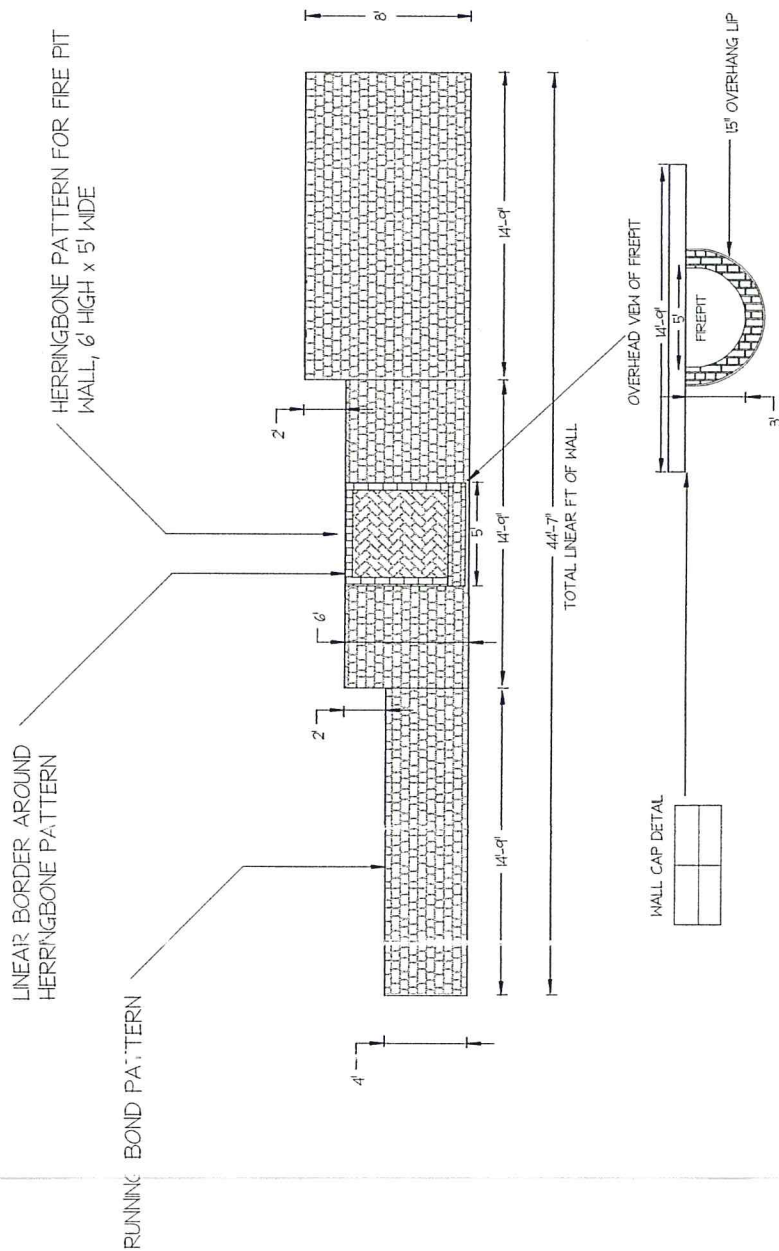
GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

 McClelland Consulting Engineers Incorporated		LOT 20	
		ROCKWATER VILLAGE	
Little Rock, AR 900 W. Markham		Fayetteville, AR 1810 N. College	
APPROVED KLS	DRAWN BY JDM	DATE 01-09-15	SHEET NO. 1
SCALE 1"=20'	JOB NO. LR13-5794	FIELD BOOK	1

人↑





1-00



6' max height



This shows the patio and kitchen areas are elevated. Eight foot wall is needed for privacy in these main areas.

This photo shows exposure of my kitchen from
neighbor's yard over the six-foot section
a view into my kitchen



This photo shows privacy of my kitchen by the 8-foot section of the view;
a view from the neighbor's driveway.



This photo shows the taller wall to give privacy from the lane and apartments: a view from kitchen

